IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

W.P. No. 890M /B) 2003

Pashu Shav-Chadan Utpadan
Audyogic Sahkari Samiti Ltd.,
Through its Sabhapati Mohd. Akbar …….…. Petitioner

Versus

State of Uttaranchal,
Through Secretary,
Urban Development,
Dehradun and others, …… Respondents

Mr. T.A. Khan, Advocate for the petitioner.
Mr. N.B. Tiwari, learned Chief Standing Counsel.

Coram: Hon. S.H.Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 23.09.2003:

PC:

The petitioner is a society registered in accordance with the U.P. Coopertive Societies Act, 1965. The main object of the petitioner is to dispose of dead animals and to collect hides and bones of dead animals. Under the Government order dated 21.02.1990 issued by the State of Uttar Pradesh, licence/ contract regarding the collection of hides was to be given only to societies registered by the persons who are performing this job from the days of their fore-fathers.

By the Government order dated 30.03.1996, issued by State of Uttar Pradesh, it was provided that the recovery of royalty will be made from the contractors on the average basis of last three years or on the basis of esclation of ten per cent as compared to the royalty for the previous year. Under the Government order dated March 30,1996, the contract was to be given to registered societies. Under the said Government order, contract was to be given only to the society operating in Dehradun.

On 9.11.2000, State of Uttaranchal came into existence. State of Uttaranchal has now decided as a matter of policy to invite bids from all societies irrespective of the are of operation. This is challenged.

We do not see any reason to interfere. With the creation of State of Uttaranchal, the successor State is entitled to take its own policy decision which would augment their revenues. It is high time that the earlier policy decisions taken by the State of U.P. are permitted to be modified by the successor State in the light of new realities, namely, Creation of the State of Uttaranchal. In our view, norm for inviting tenders from one and all is valid because it increases the revenue of the State and secondly it also brings in transparency and opportunity for all, who are in the same business.

Hence the writ petition is rejected.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

AK